

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA (EASTERN)

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MOREHOUSE ENTERPRISES, LLC :	
d/b/a BRIDGE CITY ORDNANCE, <i>et al.</i> , :	No. 3:22-CV-00116-PDW-ARS
	:
Plaintiffs,	Hon. Peter D. Welte
	:
v.	Hon. Alice R. Senechal
	:
BUREAU OF ALCOHOL, TOBACCO,	:
FIREARMS AND EXPLOSIVES, <i>et al.</i> ,	:
	:
Defendants.	:
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**MOTION OF GUN VIOLENCE PREVENTION GROUPS FOR LEAVE TO
FILE BRIEF AS *AMICI CURIAE***

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August 17, 2022

Counsel for Amici Curiae Gun Violence Prevention Groups

Pursuant to Local Rule 7.1, proposed *amici curiae*—Brady United Against Gun Violence (“Brady”), Everytown for Gun Safety Action Fund (“Everytown”), and March For Our Lives (“MFOL”) (together, the “Gun Violence Prevention Groups”)—hereby move for leave to file the attached *amicus* brief in support of Defendants’ opposition to Plaintiffs’ motion for a preliminary injunction.

Proposed *amici* respectfully submit that the attached brief will provide timely assistance to the Court in evaluating Plaintiffs’ pending motion to enjoin a federal rule that ensures lawful regulation of the core components of “ghost guns,” including in light of *amici*’s experience with the underlying legal and factual issues.¹ *See, e.g.*, Order, *Vanessa Dundon, et al. v. Kyle Kirchmeier, et al.*, 16-CV-00406, ECF No. 277 (D.N.D. Aug. 16, 2021) (granting leave to file *amicus* brief where proposed *amicus* represented that the brief would “assist the Court in its decision”) (Senechal, M.J.); Order, *White River Royalties, LLC, et al. v. Hess Bakken Investments II, L.L.C.*, 19-CV-00218, ECF No. 27 (D.N.D. Feb. 18, 2020) (granting leave to file *amicus* brief because the “brief may be helpful in resolving the issues”); Order, *The Religious Sisters of Mercy, et al. v. Sylvia Burwell, et al.*, 16-CV-00386, ECF No. 14 (D.N.D. Dec. 8, 2016) (granting leave to file *amicus* brief where proposed *amicus* represented

¹ On August 5, 2022, undersigned counsel contacted the parties’ counsel via email to inquire as to whether the parties consent to this motion. Defendants responded that they consent; the State Plaintiffs responded that they have “no objection” to the brief being filed; and Plaintiffs Morehouse Enterprises, LLC d/b/a Bridge City Ordnance, Eliezer Jimenez, Gun Owners of America, Inc., and Gun Owners Foundation responded that they take no position and defer to this Court.

that it regularly filed “*amicus curiae*” briefs in state and federal courts” and had litigated “the very issue presented” in the case) (Senechal, M.J.).

Brady is the nation’s longest-standing nonpartisan, nonprofit organization dedicated to reducing gun violence through education, research, and advocacy. Brady has extensively researched the prevalence of ghost guns, created educational resources to demonstrate the alarming ease with which ghost guns can be obtained and assembled, and advocated on behalf of commonsense measures to regulate and limit the prevalence of ghost guns.

Everytown is the nation’s largest gun-violence-prevention organization. Everytown has closely studied the rise of ghost guns, the detrimental effects of ghost guns on public safety, and the subversive effects of ghost guns on both state and federal firearms laws.

MFOL is a nonprofit organization comprised of young people from across the country who are advocating on behalf of gun-violence-prevention policies. MFOL has fought for measures to curtail the proliferation of ghost guns and has focused in particular on the deadly effects of ghost guns on teenagers.

Plaintiffs’ motion for a preliminary injunction seeks a nationwide injunction against a federal rule that implicates the core focus and expertise of *amici* and their members: the sensible regulation of firearms, including ghost guns. *Amici* would offer the court useful information based on their deep familiarity and expertise regarding the Gun Control Act, federal regulations implementing the Act, gun safety legislation generally, and ghost guns specifically. The Gun Violence Prevention Groups

regularly submit *amicus* briefs regarding gun violence and regulation² and have litigated cases concerning ghost guns.³ Indeed, just last month, the Gun Violence Prevention groups filed an *amicus* brief addressing ghost guns in parallel litigation challenging the same rule at issue in this case.⁴

For the foregoing reasons, the Gun Violence Prevention Groups respectfully request leave to file the attached *amicus* brief. A copy of the proposed brief is attached as **Exhibit 1**. A proposed order is attached as **Exhibit 2**.

August 17, 2022

Respectfully Submitted,
By: /s/ Kathleen R. Hartnett

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² See, e.g., Brady Br., *New York State Rifle & Pistol Ass'n, et al. v. The City of New York, et al.*, No. 18-280 (S. Ct.) (May 14, 2019); Everytown Br., *Kim Rhode, et al. v. Xavier Becerra, et al.*, 20-55437 (9th Cir.) (June 19, 2020); MFOL Br., *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*, 21-CV-11269, ECF No. 125 (D. Mass.) (Feb. 3, 2022).

³ See, e.g., *Everytown for Gun Safety Action Fund, et al. v. Bureau of Alcohol, Tobacco, Firearms and Explosives, et al.*, 20-CV-6885 (S.D.N.Y.) (filed Aug. 26, 2020).

⁴ Gun Violence Prevention Groups Br., *Division 80 LLC v. Merrick Garland, et al.*, 22-CV-00148, ECF No. 24-1 (S.D. Tex.) (July 8, 2022).

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August 2022, a true and accurate copy of the foregoing brief was electronically filed with the Court using the CM/ECF system. Pursuant to District of North Dakota Administrative Policy Governing Electronic Filing and Service § IX(A)(2), service on counsel for all parties will be accomplished through the Court's electronic filing system.

August 17, 2022

Respectfully Submitted,

By: /s/ Kathleen R. Hartnett